

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

THOMAS NEIL PICKETT

§

VS.

§

CIVIL ACTION NO. 5:11cv17

M.D. CARVAJAL

§

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Petitioner Thomas Neil Pickett, an inmate confined at the Federal Correctional Institution in Texarkana, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Caroline Craven, United States Magistrate Judge, at Texarkana, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends the above-styled petition be granted as it pertains to Count 2 in the underlying criminal case, Criminal Action Number 7:04cr47-F-1, styled *United States v. Pickett*. Accordingly, petitioner's case should be remanded to the United States District Court for the Eastern District of North Carolina for appropriate relief in the sentencing relief.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED this 30th day of September, 2011.



DAVID FOLSOM

UNITED STATES DISTRICT JUDGE

